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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To modify the penalties for violations of the Telephone Consumer Protection
Act of 1991.

IN THE HOUSE OF REPRESENTATIVES

Mr. KUSTOFF introduced the following bill; which was referred to the
Committee on _____

A BILL

To modify the penalties for violations of the Telephone
Consumer Protection Act of 1991.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deter Obnoxious, Ne-
5 farious, and Outrageous Telephone Calls Act of 2023” or
6 the “DO NOT Call Act of 2023”.

7 **SEC. 2. PENALTIES FOR VIOLATIONS OF THE TELEPHONE**
8 **CONSUMER PROTECTION ACT OF 1991.**

9 (a) **CRIMINAL PENALTIES.**—

1 (1) IN GENERAL.—Section 227 of the Commu-
2 nications Act of 1934 (47 U.S.C. 227) is amended
3 by adding at the end the following:

4 “(k) CRIMINAL PENALTIES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), any person who willfully and knowingly
7 violates this section shall be imprisoned for not more
8 than 1 year, fined under title 18, United States
9 Code, or both.

10 “(2) AGGRAVATED OFFENSE.—Any person who
11 willfully and knowingly violates this section shall be
12 imprisoned for not more than 3 years, fined under
13 title 18, United States Code, or both if—

14 “(A) the person has previously been con-
15 victed under this subsection;

16 “(B) the offense involved initiating more
17 than—

18 “(i) 100,000 calls in a 24-hour period;

19 “(ii) 1,000,000 calls in a 30-day pe-
20 riod; or

21 “(iii) 10,000,000 calls in a 1-year pe-
22 riod;

23 “(C) the person committed the offense
24 with the intent to use the calls in furtherance
25 of a felony or conspiracy to commit a felony; or

1 “(D) the offense caused loss to 1 or more
2 persons aggregating \$5,000 or more in value
3 during any 1-year period.

4 “(3) DEFINITIONS.—For purposes of this sub-
5 section—

6 “(A) the term ‘call’ includes a message or
7 other communication; and

8 “(B) the term ‘initiate’, with respect to a
9 call, includes the act of sending, making, or
10 transmitting a call, message, or other commu-
11 nication, as applicable.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENT.—Section 227(e)(5)(B) of the Communica-
14 tions Act of 1934 (47 U.S.C. 227(e)(5)(B)) is
15 amended, in the second sentence, by striking “sec-
16 tion 501” and inserting “subsection (k)”.

17 (b) INCREASED PENALTIES FOR PROVISION OF INAC-
18 CURATE CALLER IDENTIFICATION INFORMATION.—Sec-
19 tion 227(e)(5) of the Communications Act of 1934 (47
20 U.S.C. 227(e)(5)) is amended—

21 (1) in subparagraph (A)(i), by striking
22 “\$10,000” and inserting “\$20,000”; and

23 (2) in subparagraph (B), in the first sentence,
24 by striking “\$10,000” and inserting “\$20,000”.